



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

March 14, 2023

**By ECF**

The Honorable Valerie Figueredo  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Bailey Aldrich v. United States of America*, No. 22 Civ. 5297 (LGS) (VF)

Dear Judge Figueredo:

This Office represents the United States of America (the “Government”) in the above-referenced personal injury action brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671 *et seq.* We submit this joint letter motion on behalf of all parties to update the Court and to respectfully request to postpone the settlement conference.

The Court previously granted the parties’ joint request to extend the fact discovery deadline to March 30, 2023, and to refer this case to the Magistrate Judge for settlement. ECF 28. On February 28, 2023, the parties met via telephone for a pre-settlement conference call with Your Honor, who set a settlement conference for March 23, 2023. ECF 31, 32. After this call, the parties engaged in further discussions and determined, due to certain changed circumstances, that a settlement conference at this stage would no longer be fruitful. Specifically, after the conference was set, Plaintiff determined through consultation with Plaintiff’s medical expert that a second surgery, a fusion of the upper foot, will be required in the very near future. This has now led to increased settlement expectations. Both parties agree that it appears that any potential summary judgment must be decided before future substantive settlement discussions can continue.

Accordingly, the parties request that the settlement conference be postponed, potentially until after any anticipated motion for summary judgment is decided.

This is the parties’ first joint request for an adjournment of the settlement conference. We thank the Court for its consideration of this letter.

Respectfully,

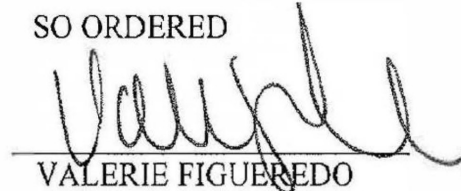
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SO ORDERED



VALERIE FIGUEREDO

United States Magistrate Judge

Dated: 3-14-2023

The settlement conference scheduled for March 23, 2023 is hereby adjourned. The parties are directed to submit a letter if and when they would like to reschedule the conference. The Clerk of Court is directed to terminate the motion at ECF No. 33.